

LEWIS
AND
ROCA
LLP
LAWYERS

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

E-Filed on 5/6/08

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com
John C. Hinderaker AZ State Bar No. 18024
Email: jhinderaker@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,

USA Capital Diversified Trust Deed Fund,
LLC,

USA Capital First Trust Deed Fund, LLC,¹

USA Securities, LLC,²

Debtors.

Affects:

☐ All Debtors

☒ USA Commercial Mortgage Company

☐ USA Capital Realty Advisors, LLC

☐ USA Capital Diversified Trust Deed Fund, LLC

☐ USA Capital First Trust Deed Fund, LLC

☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR¹
Case No. BK-S-06-10729-LBR²

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**AMENDED STATUS AND AGENDA
FOR MAY 8, 2008 HEARINGS
(Amended as to Item No. 1 at 9:30
a.m.)**

Date of Hearings: May 8, 2008

Time of Hearings: 9:30 a.m.
10:30 a.m.

Agenda for 9:30 a.m.

1. Adv. 07-01165-lbr, USA Capital Diversified Trust Deed Fund LLC v.
Margaret B. McGimsey Trust et al., **Trial** [DE 19]

Related Filing Joint Trial Statement (including stipulated facts) [DE 20]
4/3/08

¹ This bankruptcy case was closed on October 12, 2007.

² This bankruptcy case was closed on December 26, 2007.

1 12/17/2007 Order Re: Pre-Trial Matters; Trial; and Settlement Conference
2 [DE 19]
3 4/21/2008 Brief *Plaintiff USA Capital Diversified Trust Deed Fund, LLC's*
4 *Trial Brief* Filed by ROBERT R. KINAS on behalf of USA
5 CAPITAL DIVERSIFIED TRUST DEED FUND LLC (KINAS,
6 ROBERT) [DE 22]
7 5/01/2008 Brief *Defendants' Trial Brief* Filed by WILLIAM L. MCGIMSEY
8 on behalf of JOHNNY CLARK, MARGARET B. MCGIMSEY
9 TRUST, BRUCE MCGIMSEY, JERRY MCGIMSEY, SHARON
10 MCGIMSEY (MCGIMSEY, WILLIAM) [DE 24]
11

12 **Status**

13 2. **Objection to Claim 1279 of Lerin Hills Ltd in the amount of with**
14 **Certificate of Service** filed by ROB CHARLES on behalf of USACM LIQUIDATING
15 TRUST [DE 3080]
16

17 **Opposition Filed:** None

18 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*
19 *3/13/2007 Liquidating Trust Objections to Proofs of Claim and Motions to*
20 *Classify Claims* Filed by ROB CHARLES on behalf of USACM
21 LIQUIDATING TRUST [DE 3082].
22

23 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and LERIN
24 *4/09/2007 HILLS LTD Continuing Hearing On Objection* Filed by ROB
25 CHARLES on behalf of USACM LIQUIDATING TRUST [DE
26 3392]
27

28 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
29 *4/09/2007 Objection to Claim 1279 of LERIN HILLS LTD.* [DE 3393]
30

31 **Reply Filed:** Reply to *Objection of the USACM Liquidating Trust to Proof of*
32 *6/06/2007 Claim File by Lerin Hills LTD (Claim No. 203 & 1279)* Filed by
33 MARJORIE A. GUYMON on behalf of MOUNTAIN WEST
34 MORTGAGE, LLC [DE 3904]
35

36 **Stipulation Filed:** Second Stipulation By USACM LIQUIDATING TRUST and
37 *6/11/2007 Lerin Hills Ltd. Continuing Hearing on Objection* Filed by ROB
38 CHARLES on behalf of USACM LIQUIDATING TRUST [DE
39 3947]
40

41 **Related Filing:** Order Approving Second Stipulation to Continue the Hearing on
42 *6/12/2007 Objection to Claim 1279 of LERIN HILLS LTD.* [DE 3955]
43

Stipulation Filed: 6/25/2007 Stipulated Motion to Continue/Reschedule Hearing *on Second Omnibus Objection to Claims Asserting Priority Status re Claim 1279 of Lerin Hills* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4050]

6/26/2007 Stipulation Setting Hearing on Second Omnibus Objection to Claims Asserting Priority Status Re Claim 1279 of LERIN HILLS [DE 4060]

Stipulation Filed: 10/10/2007 Stipulation By USACM LIQUIDATING TRUST and Lerin Hills Ltd. *to Continue Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4959]

Related Event: 10/11/2007 Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD. [DE 4968]

Stipulation Filed: 12/06/2007 Stipulation By USACM LIQUIDATING TRUST and Lerin Hills *to Continue Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5444]

Related Event: 12/10/2007 Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD. [DE 5454]

Stipulation Filed: 2/15/2008 Stipulation By USACM LIQUIDATING TRUST and Between Lerin Hills Ltd. *to Continue February 21, 2008 Hearing on Objection to Claim 1279* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5851]

Related Event: 2/19/2008 Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD in the Amount of \$1257233.40 as an Unsecured Non-Priority Claim, and as a Priority Claim of \$797175.62[DE 5870]

Status Continued from 2/21/2008. Counsel will be present to discuss the status of this matter. Please note that counsel is traveling from Tucson on the first available flight and the omnibus hearing was postponed to 10:30 a.m. to accommodate the flight schedule.

3. **Second Omnibus Objection to Claims Asserting Priority Status** *(pertaining to Lerin Hills and Rieger)* filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3259]

Stipulation Filed: 6/25/2007 Stipulated Motion to Continue/Reschedule Hearing *on Second Omnibus Objection to Claims Asserting Priority Status re Claim 1279 of Lerin Hills* Filed by ROB CHARLES on behalf of

USACM LIQUIDATING TRUST [DE 4050]

6/26/2007

Stipulation Setting Hearing on Second Omnibus Objection to Claims Asserting Priority Status Re Claim 1279 of LERIN HILLS (Related document(s) [4050]) Hearing scheduled 10/15/2007 at 09:30 AM at LBR-Courtroom 1, Foley Federal Bldg.. [DE 4060]

Related Event:
6/29/2007

Order Sustaining Second Omnibus Objection of the USACM LIQUIDATING TRUST to Claims Asserting Priority Status [DE 4087]

Related Event:
11/15/2007

Order Scheduling Hearing on 12/20/2007 at 10:30 AM at LBR-Courtroom 1, Foley Federal Bldg [DE 5337]

Stipulation Filed:
12/06/2007

Stipulation By USACM LIQUIDATING TRUST and Between Lerin Hills *to Continue Hearing on Objection to Claim 1279* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5444]

Related Event:
12/10/2007

Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD. in the Amount of \$1,257,233.30 as an Unsecured Non-Priority Claim, and as a Priority Claim of \$797,175.62 [DE 5454]

Stipulation Filed:
2/15/2008

Stipulation By USACM LIQUIDATING TRUST and Between Lerin Hills Ltd. *to Continue February 21, 2008 Hearing on Objection to Claim 1279* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5851]

Related Event:
2/19/2008

Order Approving Stipulation to Continue the Hearing on Objections to Claim 1279 of LERIN HILLS LTD in the Amount of \$1257233.40 as an Unsecured Non-Priority Claim, and as a Priority Claim of \$797175.62 DE 5870]

Status:

Hearing continued from 4/26/2007; 6/15/2007; 10/15/2007; 12/14/2007; 12/20/2007; and 2/21/2008. Counsel for the USACM Trust has been in contact with Ms. Patsy Rieger who will be unable to attend due to earth quake damage to her home. The Trust is working with the Riegers to explain the accounting in order to try to resolve the priority claim. The Lerin Hills claim should be addressed as part of agenda item No. 2 above. Please note that counsel for USACM Trust is traveling from Tucson on the first available flight and the omnibus hearing was postponed to 10:30 a.m. to accommodate the flight schedule.

1 4. **Objection to Claim 792 of Copper Sage Commercial Center LLC in the**
2 **amount of \$3,500,000.00 with Certificate of Service** filed by ROB CHARLES on behalf
3 of USACM LIQUIDATING TRUST [DE 3077]

4 **Related Filing:** Declaration Of: Edward M. Burr *in Support of USACM*
5 3/13/2007 *Liquidating Trust Objections to Proofs of Claim and Motions to*
6 *Classify Claims* Filed by ROB CHARLES on behalf of USACM
7 LIQUIDATING TRUST [DE 3082].

8 **Opposition Filed:** Opposition with Certificate of Service Filed by SUSAN
9 4/19/2007 WILLIAMS SCANN on behalf of COPPER SAGE COMMERCE
10 CENTER [DE 3502]

11 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Copper
12 4/24/2007 Sage Commercial Center LLC *to Continue Hearing on Objection*
13 Filed by ROB CHARLES on behalf of USACM LIQUIDATING
14 TRUST [DE 3537]

15 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
16 4/24/2007 Objection to Claim 792 of COPPER SAGE COMMERCIAL
17 CENTER LLC [DE 3543]

18 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Copper
19 12/10/2007 Sage Commercial Center LLC *to Continue Hearing on Objection*
20 Filed by ROB CHARLES on behalf of USACM LIQUIDATING
21 TRUST [DE 5460]

22 **Related Filing:** Order Approving Stipulation to Continue the Hearing on
23 12/11/2007 Objection to Claim 792 of COPPER SAGE COMMERCIAL
24 CENTER LLC [DE 5473]

25 **Stipulation Filed:** Stipulation By USACM LIQUIDATING TRUST and Between
26 2/14/2008 Copper Sage Commercial Center LLC *Continuing Hearing on*
 Objection to Claim No. 792 Filed by ROB CHARLES on behalf
 of USACM LIQUIDATING TRUST [DE 5849]

Related Filing: Order Approving Stipulation to Continue the Hearing on
 2/19/2008 Objection to Claim 792 of COPPER SAGE COMMERCIAL
 CENTER LLC (Related document(s)[5849] Stipulation, filed by
 Interested Party USACM LIQUIDATING TRUST.) [DE 5872]

Status Continued from 2/21/2008. Counsel for the Trust will be present to address the status of the matter and counsel for Copper Sage is expected to be present as well. Please note that counsel is traveling from Tucson on the first available flight and the omnibus hearing was postponed to 10:30 a.m. to accommodate the flight schedule.

5. **Status Hearing Re: Eighth Omnibus Objection (*Pertaining to Claim filed by John Dutkin*)** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3147]

Response Filed: Response with Certificate of Service Filed by GEORGE D
4/19/2007 FRAME on behalf of JOHN DUTKIN [DE 3512]

Related Event: Order Sustaining Eighth Omnibus Objection of the USACM
6/29/2007 LIQUIDATING TRUST to Claims Asserting Secured Status [DE 4079]

Related Filings: Motion for Summary Judgment Regarding (1) Responses To The
7/30/2007 USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

Response Filed: Response with Certificate of Service & *Objection of USA*
8/17/07 *COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN TRUST Asserting Secured Status* Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 4628]

Related Event: Order Requiring Supplemental Briefing on the USACM TRUST's
1/22/2008 Eighth Omnibus Objection to Claims Asserting a Secured Status as it Pertains to the Claim Filed by JOHN DUTKIN [DE 5711]

1/31/2008 Supplemental Brief Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 5768]

2/01/2008 Deadline Set/Terminated Motion for Exceptional Circumstances due by 2/11/2008 [DE 5770]

2/8/2008 Supplemental Brief *in Support of Eighth Omnibus Objection to Claims Asserting a Secured Status as that Objection Pertains to the Dutkin Claim* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5804]

Status: Hearing continued from 4/26/2007; 6/15/2007; 12/14/2007; 12/20/2007; 2/21/2008; and 4/17/2008. The USACM Trust expects that once the Dutkin Trust's claims in the interpleader are resolved the Dutkin Trust will stipulate that the Court may grant summary judgment to USACM Trust. If not, the USACM Trust is prepared to argue the Objection along with the Motion for Summary Judgment. Please note that counsel is traveling from Tucson on the first available flight and the omnibus hearing was postponed to 10:30 a.m. to accommodate the flight schedule.

6. Objection to Claim 203 of Mountain West Mortgage Co./Lerin Hills in the amount of \$2,048,000.00 with Certificate of Service filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3078]

Related Filing: Declaration Of: Edward M. Burr *in Support of USACM Liquidating Trust Objections to Proofs of Claim and Motions to Classify Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3082].

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 3485]

Related Filing: Order Approving Stipulation to Continue the Hearing on Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILL [DE 3519]

Reply Filed: Reply to *Objection of the USACM Liquidating Trust to Proof of Claim File by Lerin Hills LTD (Claim No. 203 & 1279)* Filed by MARJORIE A. GUYMON on behalf of MOUNTAIN WEST MORTGAGE, LLC [DE 3904]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4962]

Related Event: Order Approving Stipulation to Continue the Hearing on Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILLS [DE 4965]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Mountain West Mortgage Co./Lerin Hills *Continuing Hearing on Objection*

Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5448]

Related Event: Order Approving Stipulation to Continue the Hearing on
12/11/2007 Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILLS [DE 5467]

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Between
2/14/2008 Mountain West Mortgage Co./Lerin Hills Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5848]

Related Event: Order Approving Stipulation to Continue the Hearing on
2/19/2008 Objection to Claim 203 of MOUNTAIN WEST MORTGAGE CO./LERIN HILLS [DE 5874]

Status Continued from 2/21/2008. Counsel for the USACM Trust will be present to discuss the status of the matter and expects that counsel for Mountain West Mortgage will also be present. Please note that counsel is traveling from Tucson on the first available flight and the omnibus hearing was postponed to 10:30 a.m. to accommodate the flight schedule.

Agenda for 10:30 a.m.

1. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in Goss Road Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6094]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus*
4/02/2008 *Objections to Proofs of Claim Based Upon Investment in Goss Road Loan with Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6098]

Status No Response Filed

2. ***Second Omnibus Objection to Proofs of Claim Based Upon Investment in Goss Road Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6096]

1 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
2 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in Goss*
3 *Road Loan with Certificate of Service* Filed by ROB CHARLES
on behalf of USACM LIQUIDATING TRUST [DE 6098]

4 **Status** No Response Filed

5
6 3. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in***
7 ***Elizabeth May Real Estate Loan with Certificate of Service*** filed by ROB CHARLES on
behalf of USACM LIQUIDATING TRUST [DE 6099]

8 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
9 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
10 *Elizabeth May Real Estate Loan with Certificate of Service* Filed
by ROB CHARLES on behalf of USACM LIQUIDATING
11 TRUST [DE 6113]

12 **Status** No Response Filed

13 4. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part,***
14 ***Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed
by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6101]

15 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
16 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
17 *Elizabeth May Real Estate Loan with Certificate of Service* Filed
by ROB CHARLES on behalf of USACM LIQUIDATING
18 TRUST [DE 6113]

19 **Status** No Response Filed

20 5. ***Third Omnibus Objection to Proofs of Claim Based Upon Investment in***
21 ***Elizabeth May Real Estate Loan with Certificate of Service*** filed by ROB CHARLES on
22 behalf of USACM LIQUIDATING TRUST [DE 6103]

23 **Related Event:** Declaration Of: Edward M. Burr *in Support of Omnibus*
24 4/02/2008 *Objections to Proofs of Claim Based Upon Investment in*
25 *Elizabeth May Real Estate Loan with Certificate of Service* Filed
by ROB CHARLES on behalf of USACM LIQUIDATING
TRUST [DE 6113]

26 **Status** No Response Filed

6. ***Fourth Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6105]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6113]

Status No Response Filed

7. ***Fifth Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6107]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6113]

Status No Response Filed

8. ***Sixth Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed by **ROB** CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6109]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6113]

Status No Response Filed

9. ***Seventh Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6111]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Elizabeth May Real Estate Loan with Certificate of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6113]

Status No Response Filed

10. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in Slade Development, Inc. Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6116]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Slade Development, Inc. Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6120]

Status No Response Filed

11. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in Slade Development, Inc. Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6118]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Slade Development, Inc. Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6120]

Status No Response Filed

12. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in Wasco Investments, LLC Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6121]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Wasco Investments, LLC Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6127]

Status No Response Filed

13. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in Wasco Investments, LLC Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6123]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Wasco Investments, LLC Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6127]

Status No Response Filed

14. ***Third Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in Wasco Investments, LLC Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6125]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in Wasco Investments, LLC Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6127]

Status No Response Filed

15. ***First Omnibus Objection to Proofs of Claim Based Upon Investment in I-40 Gateway West, LLC 2nd Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6128]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in I-40 Gateway West, LLC 2nd Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6132]

Status No Response Filed

16. ***Second Omnibus Objection to Proofs of Claim Based, in Whole or in Part, Upon Investment in I-40 Gateway West, LLC 2nd Loan with Certificate of Service*** filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6130]

Related Event: Declaration Of: Edward M. Burr *in Support of Omnibus Objections to Proofs of Claim Based Upon Investment in I-40 Gateway West, LLC 2nd Loan* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6132]

4/30/2008 Notice of Errata to Second Omnibus Objection to Proofs of Claim Based Upon Investment in the I-40 Gateway West LLC 2nd Loan with Certificate of Service Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6279]

Status No Response Filed

17. Adversary 06-01212-lbr Binford Medical Developers, LLC et al. v Fidelity National Title Group et al., Status Conference re: **Amended Complaint** Filed by SUSAN WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC against COMPASS FINANCIAL PARTNERS LLC [DE 80]

Answer Filed: Answer to Amended Complaint [DE 89]
10/05/2007

Counterclaim Filed: Counterclaim by COMPASS FINANCIAL PARTNERS LLC against BINFORD MEDICAL DEVELOPERS, LLC [DE 91]
10/05/2007

4/11/2008 Stipulation and Order Dismissing FIDELITY NATIONAL TITLE COMPANY with Prejudice [DE 123]

Status: Continued from 4/17/2008

18. **Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS in the amount of** filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2033]

Opposition Filed: Opposition with Certificate of Service Filed by SUSAN WILLIAMS SCANN on behalf of BINFORD MEDICAL DEVELOPERS, LLC [DE 2329]
12/29/2006

Reply Filed Reply *In Support of Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS* Filed by LENARD E. SCHWARTZER on behalf of USA COMMERCIAL MORTGAGE COMPANY [DE 2378]
1/08/2007

Stipulation Filed: Stipulation By USACM LIQUIDATING TRUST and Between Binford Medical Developers *Continuing Hearing on Objection to Claim 784 of Binford Medical Developers* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4977]
10/11/2007

Related Filing: Order Approving Stipulation to Continue the Hearing on Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS LLC [DE 4988]
10/12/2007

Stipulation Filed: 12/11/2007 Stipulation By USACM LIQUIDATING TRUST and Between Binford Medical Developers *Continuing Hearing on Objection to Claim 784* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5464, 5474]

Related Filing: 12/12/2007 Order Approving Stipulation to Continue the Hearing on Objection to Claim 784 of BINFORD MEDICAL DEVELOPERS, LLC [DE 5479]

1/22/2008 Order Tentatively Approving Settlement and Compromise of Claim [DE 114]

Status: Hearing continued from 1/17/2008; 3/15/2007; 4/26/2007; 6/15/2007; 10/25/2007; 12/14/2007; 1/11/2008; 2/04/2008 and 4/17/2008. The parties stipulated to allow the Binford claim in the amount of \$925,000 by stipulation and order filed in Adv. Case No. 06-1212 (LBR) [DE 114 and 121]. The Court approved that stipulation. The relevant order from the adversary proceeding was also entered in this bankruptcy matter. [DE 5925.] Counsel for the Trust will be present to discuss the status of this matter.

19. **Adv. 06-01251-lbr USACM Liquidating Trust v. Reale et al, Application Motion to Supplement Findings of Fact and Conclusions of Law Pursuant to Federal Rule of Civil Procedure 52(b)** Filed by ERIC D MADDEN on behalf of USACM LIQUIDATING TRUST [DE 145]

Related Filings: 4/03/2008 Motion for Order Shortening Time Filed by ERIC D. MADDEN on behalf of USACM LIQUIDATING TRUST [DE 146]

4/08/08 Order Shortening Time to Hear USACM LIQUIDATING TRUST'S Motion to Supplement Findings of Fact and Conclusions of Law Pursuant to Federal Rule of Civil Procedure 52(b) [DE 148]

4/23/08 Amended Motion to Supplement findings of Fact and Conclusions of Law Pursuant to Federal Rule of Civil Procedure 52(b) [DE 152]

Status Continued from 4/17/2008. No opposition filed

20. Adversary 06-01146-lbr USA Commercial Mortgage Company v. Wells Fargo Bank, NA, et al, **STATUS HEARING RE: Amended Complaint FOR INTERPLEADER with Certificate of Service** Filed by DAVID W. HUSTON on behalf of USA COMMERCIAL MORTGAGE COMPANY against all defendants [DE 54]

Answer Filed: Answer to Amended Complaint by *Tomlin Trust* (Related Doc # 54), Crossclaim by Tomlin Trust, Donald S and Dorothy Tomlin Trustees against JOHN ROBERT MALLIN, MARIE THERESA MALLIN, GEORGE J. MOTTO Filed by GEORGE C LAZAR on behalf of Tomlin Trust, Donald S and Dorothy Tomlin Trustees [DE 75]

12/04/2006 Answer to Amended Complaint with *certificate of service* (Related Doc # 54) Filed by C RANDALL BUPP ESQ on behalf of PORTER A HURT [DE 79]

3/20/08 Order Setting Status Conference Regarding Outstanding Issues in Interpleader Action

Status: Hearing continued from 12/15/2006; 2/15/2007; 3/15/2007; 3/27/2007; 5/31/2007; 7/27/2007; 12/14/2007; 2/21/2008 and 4/17/2008.

Counsel for the Trust will be present to provide the Court with a complete up date on the progress being made towards resolving the claims associated with the interpleader.

21. **Motion for Summary Judgment Regarding (1) Responses To The USACM Trust's First Through Thirty-Third Omnibus Objections To Claims Asserting A Secured Status; (2) Responses to USACM Trust's First Through Third Omnibus Objections to Claims Asserting A Priority Status; and (3); Newly Alleged Secured And Priority Claims** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4291]

Related Filings: The only unresolved claims are those filed by the Dutkin Trust

Response Filed: Response with Certificate of Service & *Objection of USA COMMERCIAL MORTGAGE COMPANY to Claim of DUTKIN TRUST Asserting Secured Status* Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 4628]

9/14/2007 Supplemental *Statement of Facts in Support of Motion for Summary Judgment Regarding (1) Responses to the USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a Secured Status; (2) Responses to USACM Trust's First through Third Omnibus Objections to Claims Asserting a Priority Status; and (3) Newly Alleged Secured and Priority Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 4811]

Stipulation Filed: 12/05/2007 Stipulation By USACM LIQUIDATING TRUST and John Dutkin, Trustee to *Continue Hearing* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5443]

Related Event: 12/10/2007 Order Approving Stipulation to Continue the Hearing on Motion for Summary Judgment Re DUTKIN's Claim [DE 5451]

Related Event: 1/22/2008 Order Requiring Supplemental Briefing on the USACM TRUST's Eighth Omnibus Objection to Claims Asserting a Secured Status as it Pertains to the Claim Filed by JOHN DUTKIN [DE 5711]

1/31/2008 Supplemental Brief Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 5768]

2/01/2008 Deadline Set/Terminated Motion for Exceptional Circumstances due by 2/11/2008 [DE 5770]

2/08/2008 Supplemental Brief *in Support of Eighth Omnibus Objection to Claims Asserting a Secured Status as that Objection Pertains to the Dutkin Claim* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5804]

Status: Continued from 4/17/2008. The only unresolved claims are those filed by the Dutkin Trust. The USACM Trust expects that when the Dutkin Trust's claims in the interpleader are resolved the Dutkin Trust will stipulate that the Court may grant summary judgment to USACM Trust. If not, the USACM Trust is prepared to argue the Motion for Summary Judgment.

22. Adv. 06-01167-lbr, USA Commercial Mortgage Company v. Robert J. Kehl, et al., **Motion for Summary Judgment And For Order Of Directing Release Of Funds**, Filed by GEORGE D FRAME on behalf of JOHN DUTKIN [DE 330]

Stipulation Filed: 2/04/2008 Stipulation and Order for Settlement as Between JOHN DUTKIN, TRUSTEE OF THE JOHN DUTKIN REVOCABLE LIVING TRUST DATED 1/17/00 and FIRST TRUST COMPANY OF ONAGA, CUSTODIAN OF KAREN S. MOBERLY IRA [DE 333]

Limited Opposition Filed: 2/07/2008 Limited Opposition with Certificate of Service to *JOHN DUTKIN's Motion For Summary Judgment and For Order Directing Release of Funds* Filed by LENARD E. SCHWARTZER on behalf of USA CAPITAL FIRST TRUST DEED, USA COMMERCIAL MORTGAGE COMPANY [DE 337]

Status: Hearing continued from 3/25/2008 and 4/17/2008.

23. **Motion to Quash Subpoenas and or for Protective Order; Objection to Notices of 2004 Examination with Certificate of Mailing** Filed by SUSAN WILLIAMS SCANN on behalf of ROBERT A. RUSSELL [DE 6176]

Status No Response Filed

24. **Motion to Extend Time Motion to Further Extend Deadline to File Objection to Allowance of Claims with Certificate of Service** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 6209]

Related Event: Declaration Of: Edward M. Burr *in Support of Motion to Further Extend Deadline to File Objection to Allowance of Claims* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [De 6210]

Status No Response Filed. The Motion to Extend and Notice of Hearing were posted on the Website.

25. **Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership in Plan Class A-7 With Certificate Of Service** Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5122]

Related Filing: *Statement of Facts in Support of Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership in Plan Class A-7 With Certificate Of Service* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5123]

Opposition Filed: Opposition Filed by TY E. KEHOE on behalf of LUCIUS BLANCHARD [DE 5432]

Reply Filed: Reply with Certificate of Service *in Support of Motion for Summary Judgment to Classify Claim by Pecos Professional Park Limited Partnership in Plan Class A-7* Filed by ROB CHARLES on behalf of USACM LIQUIDATING TRUST [DE 5493]

Related Filing: Order Postponing Hearing on Motion for Summary Judgment to Classify Claim by PECOS PROFESSIONAL PARK LIMITED PARTNERSHIP in Plan Class A-7 [DE 5677]

1 **Stipulation filed:** Stipulation By LUCIUS BLANCHARD and Between Hantges
2 3/11/2008 Bankruptcy Estate Trustee Filed by TY E. KEHOE on behalf of
3 LUCIUS BLANCHARD [DE 5969]
4
5 4/25/2008 Stipulation By USACM LIQUIDATING TRUST and Between
6 Pecos Professional Park Limited Partnership *in Plan Class A-7*
7 *Continuing Status Hearing on USACM Trust's Motion for*
8 *Summary Judgment to Classify Claim* Filed by ROB CHARLES
9 on behalf of USACM LIQUIDATING TRUST [DE 6240]
10
11 **Related Filing:** Order Continuing Status Hearing on USACM TRUST's Motion
12 4/25/2008 for Summary Judgment to Classify Claim by PECOS
13 PROFESSIONAL PARK LIMITED PARTNERSHIP IN PLAN
14 CLASS A-7 [DE 6252]
15
16 **Status:** This matter is fully briefed and ready for oral argument.
17

18 **LEWIS AND ROCA LLP**

19 By: /s/ RC (#6593)
20 Susan M. Freeman, AZ 4199 (*pro hac vice*)
21 Rob Charles, NV 6593
22 John Hinderaker, AZ 18024 (*pro hac vice*)
23 *Counsel for USACM Liquidating Trust*
24

25 **PROOF OF SERVICE**

26 COPY of the aforementioned sent via e-
mail or U.S. First Class Mail on May 6,
2008 to the parties listed on Post-Effective
Official Service List for Limited Notice
No. 4 Dated January 8, 2008.

/s/ Christine E Laurel
Christine E Laurel
Lewis and Roca LLP